ANNUAL INDEX

University of

ILLINOIS

LAW REVIEW

Volume 2010 Number 5

A PUBLICATION OF THE UNIVERSITY OF ILLINOIS COLLEGE OF LAW

Subscription price, $40.00 per volume $12.00 per number

CONTENTS

Volume 2010, Number 1

ARTICLES

Arbitration: The "New Litigation" ..... *Thomas J. Stipanowich* 1

Investment Indiscipline: A Behavioral Approach to Mutual Fund Jurisprudence ..... *William A. Birdthistle* 61

The NCAA, Tax Exemption, and College Athletics ..... *John D. Colombo* 109

Preliminary Judgments ..... *Geoffrey P. Miller* 165

BOOK REVIEW ESSAY

Not a Moral Issue: Same-Sex Marriage and Religious Liberty ..... *Shannon Gilreath* 205

NOTES

Growth, Interrupted: Nontherapeutic Growth Attenuation, Parental Medical Decision Making, and the Profoundly Developmentally Disabled Child's Right to Bodily Integrity ..... *Mary Koll* 225

A Constitutional Door Ajar: Applying the *Ex parte Young* Doctrine to Declaratory Judgment Actions Seeking State Patent Invalidity ..... *James L. Lovsin* 265

Don't Just Check "Yes" or "No": The Need for Broader Consideration of Outside Investment in the Law ..... *Heather A. Miller* 311

Volume 2010, Number 2

ARTICLES

Climate Change, Carbon Sequestration, and Property Rights ..... *Alexandra B. Klass* 363
Elizabeth J. Wilson

We Don't Want to Hear It: Psychology, Literature and the Narrative Model of Judging ..... *Kenworthey Bilz* 429

Citations in the U.S. Supreme Court: An Empirical Study of Their Use and Significance ..... *Frank B. Cross* 489
James F. Spriggs II
Timothy R. Johnson
Paul J. Wahlbeck

The Prosser Notebook: Classroom as Biography and Intellectual History ..... *Christopher J. Robinette* 577

NOTES

Lookism: Pushing the Frontier of Equality by Looking Beyond the Law ..... *James Desir* 629

The Demonstration Required to Compel the Administrator to Object Under Title V of the Clean Air Act ..... *Stephanie B. Johnson* 655

:o OMG They Searched My Txts:
Unraveling the Search and Seizure
of Text Messages ..... *Katharine M. O'Connor* 685

Reconciling the Irreconcilable:
Calculating a Debtor's Projected
Monthly Income Under § 1325(b)
in Light of the BAPCPA
Amendments ..... *Katherine L. Swise* 719

Volume 2010, Number 3

ARTICLES

Conditional Spending and Compulsory
Maternity ..... *Nicole Huberfeld* 751

Nobody's Fools: The Rational Audience
as First Amendment Ideal .....*Lyrissa Barnett Lidsky* 799

Shadows on the Cathedral: Solar Access
Laws in a Different Light ..... *Troy A. Rule* 851

Shareholder Ownership and Primacy ..... *Julian Velasco* 897

Standing, on Appeal .....*Amy J. Wildermuth*
Lincoln L. Davies 957

NOTES

'Til Death Do You Part . . . and This
Time We Mean It: Denial of
Access to Divorce for Same-Sex
Couples ..... *Colleen McNichols Ramais* 1013

DSHEA's Failure: Why a Proactive
Approach to Dietary Supplement
Regulation Is Needed to
Effectively Protect Consumers .....*Richard E. Nowak* 1045

To Defer or Not to Defer: RESPA,
HUD, and the Section 8(b) Circuit
Split ..... *Timothy A. Slating* 1083

Volume 2010, Number 4

ARTICLES

Unguarded Indians: The Complete
Failure of the Post-*Oliphant*
Guardian and the Dual-Edged
Nature of *Parens Patriae* ..... *Gavin Clarkson* 1119
David DeKorte

Debt as Venture Capital ..... *Darian M. Ibrahim* 1169

Philosophical Foundations of Law and Neuroscience ..... *Michael S. Pardo* 1211
Dennis Patterson

DAVID C. BAUM MEMORIAL LECTURE

Is *Carolene Products* Obsolete? ..... *David A. Strauss* 1251

NOTES

CPR: How *Jacobsen v. Katzer* Resuscitated the Open Source Movement ..... *R. Michael Azzi* 1271

From Stalin to Bin Laden: Comparing Yesteryear's Anti-Communist Statutes with the Public Employer Provision of the Ohio Patriot Act ..... *Gustavo Otalvora* 1303

Animal Law Evolution: Treating Pets as Persons in Tort and Custody Disputes ..... *Christopher D. Seps* 1339

Volume 2010, Number 5

ARTICLES

Bankruptcy Reorganizations and the Troubling Legacy of *Chrysler* and *GM* ..... *Ralph Brubaker* 1375
Charles Jordan Tabb

Her Last Words: Dying Declarations and Modern Confrontation Jurisprudence ..... *Aviva Orenstein* 1411

Public Interest(s) and Fourth Amendment Enforcement ..... *Alexander A. Reinert* 1461

The City as a Law and Economic Subject ..... *David Schleicher* 1507

NOTES

Best Let Sleeping Presumptions Lie: Interpretation of "Center of Main Interest" Under Chapter 15 of the Bankruptcy Code and an Appeal for Additional Judicial Complacency ..... *Benjamin J. Christenson* 1565

The Confrontation Clause and Pretrial Hearings: A Due Process Solution ..... *Christine Holst* 1599

Returning to Reasonableness: The Argument Against Expanding Investigatory Searches and Seizures to Completed Misdemeanors ..... *Daniel S. Lohse* 1629

ARTICLE INDEX

Arbitration: The "New Litigation" 1
Bankruptcy Reorganizations and the Troubling Legacy of *Chrysler* and *GM* 1375
Citations in the U.S. Supreme Court: An Empirical Study of Their Use and Significance 489
The City as a Law and Economic Subject 1507
Climate Change, Carbon Sequestration, and Property Rights 363
Conditional Spending and Compulsory Maternity 751
Debt as Venture Capital 1169
Her Last Words: Dying Declarations and Modern Confrontation Jurisprudence 1411
Investment Indiscipline: A Behavioral Approach to Mutual Fund Jurisprudence 61
The NCAA, Tax Exemption, and College Athletics 109
Nobody's Fools: The Rational Audience as First Amendment Ideal .. 799
Philosophical Foundations of Law and Neuroscience 1211
Preliminary Judgments 165
The Prosser Notebook: Classroom as Biography and Intellectual History 577
Public Interest(s) and Fourth Amendment Enforcement 1461
Shadows on the Cathedral: Solar Access Laws in a Different Light .. 851
Shareholder Ownership and Primacy 897
Standing, on Appeal 957
Unguarded Indians: The Complete Failure of the Post-*Oliphant* Guardian and the Dual-Edged Nature of *Parens Patriae* 1119
We Don't Want to Hear It: Psychology, Literature and the Narrative Model of Judging 429

ARTICLE AUTHOR INDEX

Kenworthey Bilz 429
William A. Birdthistle 61
Ralph Brubaker 1375
Gavin Clarkson 1119
John D. Colombo 109
Frank B. Cross 489
Lincoln L. Davies 957
David DeKorte 1119
Nicole Huberfeld 751
Darian M. Ibrahim 1169
Timothy R. Johnson 489
Alexandra B. Klass 363
Lyrissa Barnett Lidsky 799
Geoffrey P. Miller 165
Aviva Orenstein 1411
Michael S. Pardo 1211
Dennis Patterson 1211
Alexander A. Reinert 1461
Christopher J. Robinette 577
Troy A. Rule 851
David Schleicher 1507
James F. Spriggs II 489
Thomas J. Stipanowich 1
Charles Jordan Tabb 1375
Julian Velasco 897
Paul J. Wahlbeck 489
Amy J. Wildermuth 957
Elizabeth J. Wilson 363

LECTURE INDEX

Is *Carolene Products* Obsolete? 1251

LECTURE AUTHOR INDEX

David A. Strauss 1251

REVIEW ESSAY INDEX

Not a Moral Issue: Same-Sex Marriage and Religious Liberty 205

REVIEW ESSAY AUTHOR INDEX

Shannon Gilreath 205

STUDENT NOTE INDEX

Animal Law Evolution: Treating Pets as Persons in Tort and Custody Disputes 1339
Best Let Sleeping Presumptions Lie: Interpretation of "Center of Main Interest" Under Chapter 15 of the Bankruptcy Code and an Appeal for Additional Judicial Complacency 1565
The Confrontation Clause and Pretrial Hearings: A Due Process Solution 1599
A Constitutional Door Ajar: Applying the *Ex parte Young* Doctrine to Declaratory Judgment Actions Seeking State Patent Invalidity 265
CPR: How *Jacobsen v. Katzer* Resuscitated the Open Source Movement 1271

The Demonstration Required to Compel the Administrator to Object Under Title V of the Clean Air Act 655
Don't Just Check "Yes" or "No": The Need for Broader Consideration of Outside Investment in the Law 311
DSHEA's Failure: Why a Proactive Approach to Dietary Supplement Regulation Is Needed to Effectively Protect Consumers 1045
From Stalin to Bin Laden: Comparing Yesteryear's Anti-Communist Statutes with the Public Employer Provision of the Ohio Patriot Act 1303
Growth, Interrupted: Nontherapeutic Growth Attenuation, Parental Medical Decision Making, and the Profoundly Developmentally Disabled Child's Right to Bodily Integrity 225
Lookism: Pushing the Frontier of Equality by Looking Beyond the Law 629
:o OMG They Searched My Txts: Unraveling the Search and Seizure of Text Messages 685
Reconciling the Irreconcilable: Calculating a Debtor's Projected Monthly Income Under § 1325(b) in Light of the BAPCPA Amendments 719
Returning to Reasonableness: The Argument Against Expanding Investigatory Searches and Seizures to Completed Misdemeanors 1629
'Til Death Do You Part . . . and This Time We Mean It: Denial of Access to Divorce for Same-Sex Couples 1013
To Defer or Not to Defer: RESPA, HUD, and the Section 8(b) Circuit Split 1083

STUDENT NOTE AUTHOR INDEX

R. Michael Azzi 1271
Benjamin J. Christenson 1565
James Desir 629
Christine Holst 1599
Stephanie B. Johnson 655
Mary Koll 225
Heather A. Miller 311
Richard E. Nowak 1045
Katharine M. O'Connor 685
Gustavo Otalvora 1303
Colleen McNichols Ramais ... 1013
Christopher D. Seps 1339
Daniel S. Lohse 1629
James L. Lovsin 265
Timothy A. Slating 1083
Katherine L. Swise 719